

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 10, 2021

T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Mazade, T. Michalski, J. Montgomery-Keast, D. Keener, S. Gawron, F. Peterson, J. Doyle

MEMBERS ABSENT: E. Hood, L. Spataro

STAFF PRESENT: M. Franzak, C. Cashin

OTHERS PRESENT: C. Valle & W. Kamp (2304 Olthoff), K. Osterhart & M. Boughner (1747 7th), B. Robins (1054 W. Sherman)

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting on October 14, 2021 was made by J. Montgomery-Keast, supported by F. Peterson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2021-30

Request for a special use permit to allow four apartment units at 1769 Beidler St in a previously existing commercial building not already converted to residential in an R-1 zoning district, by Jose Hernandez.

SUMMARY

1. The property is zoned R-1, Single Family Low Density Residential.
2. The building currently contains one vacant apartment unit upstairs, one vacant apartment unit downstairs and a vacant commercial unit downstairs.
3. The applicant is requesting to split the apartment unit upstairs into two units and convert the commercial space into an additional residential unit.
4. The R-1 zoning designation allows smaller types of commercial uses to be located in a previously existing or established commercial facility not already converted to residential, with the issuance of a special use permit. These types of commercial uses include small retailers that service the neighborhood and personal service establishments such as barber shops and dry cleaning stores. Since residential is a less intensive use than commercial, this board has previously used this zoning clause to allow for additional residential spaces. This is how the former mixed use building across the street at 1736 Beidler St was converted into an apartment complex.
5. Notice was sent to all properties within 300 feet of this property. At the time of this writing, staff had not received any comments.

Staff recommends approval of the request, contingent upon an approved parking plan by staff. This could include a shared parking agreement with adjacent property owners or with the addition of a small parking lot at 1755 Beidler St (same owner). If a parking lot is built, the properties should be combined first.

Planning Commission had a short discussion about the case.

A motion was made to close the public hearing, by B. Mazade, supported by J. Doyle and unanimously approved.

A motion that the request for a special use permit to allow four apartment units at 1769 Beidler St in a previously existing commercial building not already converted to residential in an R-1 zoning district be approved with the following conditions:

1. A parking plan must be approved by staff. This could include a shared parking agreement with adjacent property owners or with the addition of a small parking lot at 1755 Beidler St (same owner). If a parking lot is built, the properties must be combined first.

was made by D. Keener, supported by J. Montgomery-Keast and unanimously approved.

Hearing, Case 2021-31

Request for a departure from the Lakeside Form Based Code to allow apartment units on the first floor of the mixed use building at 1504 Palmer St, by Jose Hernandez.

SUMMARY

1. The property is zoned Lakeside Form Based Code, Lakeside Commercial. The building type is considered mixed use, as there is a rental hall on the first floor and an apartment on the second floor.
2. The code allows for multi-family residential in these types of buildings, but only on floors two and above. The applicant is requesting a departure from this requirement to allow for three additional apartment units on the first floor. Please see the proposed first floor plan below. Each unit is approximately 1,000 sf. There is adequate parking on site on the east side of the building.
3. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments.

Staff recommends approval of the request because it would be very difficult to fill the first floor with commercial and additional apartments should be less intrusive to the neighborhood than a rental hall.

Planning Commission had a short discussion about the case.

A motion was made to close the public hearing by B. Mazade, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request for a departure from the Lakeside Form Based Code to allow apartment units on the first floor of the mixed use building at 1504 Palmer St be approved was made by J. Doyle, supported by B. Mazade and unanimously approved.

Hearing, Case 2021-32

Request for a special land use permit to allow a marihuana microbusiness at 2304 Olthoff Dr, by Clayton Valle.

SUMMARY

1. The property is zoned I-2, General Industrial and is located in the Port City Industrial Park.
2. Marihuana microbusinesses are allowed in these zoning district with the issuance of a special use permit. Please see the guidelines for the issuance of a special use permit below.
3. A marihuana microbusiness is allowed to grow (up to 150 plants), process and sell on site.
4. The existing building on site measures about 4,050 sf.
5. There are 12 parking spaces located on site.
6. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments.

Staff did not recommend approval of the special use permit because it is not compatible with the surrounding uses, which are industrial and not retail.

C. Valle like this building because of the location and because it is well maintained. They stated that their product will bring people to the location without needing to be on a main thoroughfare. W. Kamp, the owner of the building, stated that his former business used to have retail at this location.

Planning Commission had a short discussion about the project.

A public hearing was had, one business owner in the industrial park spoke in support of the project. A motion was made to close the public hearing, by F. Peterson, supported by J. Doyle and unanimously approved.

A motion that the request for a special land use permit to allow a marihuana microbusiness at 2304 Olthoff Dr be denied was made by F. Peterson, supported by J. Montgomery-Keast and approved for denial with D. Keener, B. Mazade, J. Montgomery-Keast, S. Gawron, F. Peterson and T. Michalski voting aye and J. Doyle voting nay.

NEW BUSINESS

Hearing, Case 2021-33

Request for a site plan review for a new building at 1747 7th St, by Muskegon Rescue Mission.

SUMMARY

1. The property is zoned B-4, General Business and measures 54,869 sf.
2. The proposed building measures 16,200 sf and will be used for social services, training and childcare.
3. The development requires a stormwater permit, which are now issued through the City Engineering Department. Any approval should be contingent upon the issuance of the stormwater permit.
4. The site plan meets the minimum setback requirements which are as follows: front (10 feet), rear 10 feet, side (8 feet).
5. The Fire Marshall has stated that the one-way drive to the south of the building needs to be at least 20 feet wide.
6. The parking spaces provided are adequate for the proposed uses.
7. The landscaping plan meets the requirements of the ordinance.

Staff did not recommend approval of the site plan as designed. The configuration of the building is not compatible with the rest of the block. The other buildings on the block were all built within the last few years and are examples of good urban form, while the proposed development does not properly utilize the available space for an urban setting.

Planning Commission discussed the project with staff and the applicant. K. Osterhart, the architect, presented the project and defended the original design. He was not in favor of rotating the building as staff recommended. M. Boughner, from the Muskegon Rescue Mission, stated that they are not in favor of the rotated plan because it removes the safety and functionality of the separate parking and drop off areas that they had planned for the day care and the mission.

A motion that the request for site plan approval for a new building at 1747 7th St be approved with the following conditions:

1. A stormwater permit is issued from the Engineering Department
2. The Public Safety Department approves the fire access requirements.

was made by B. Mazade, supported by J. Montgomery-Keast and approved with D. Keener, J. Doyle, B. Mazade, T. Michalski, and J. Montgomery-Keast voting aye and S. Gawron and F. Peterson voting nay.

Hearing, Case 2021-34

Request for a site plan review for new buildings at 1054 W Sherman Ave, by Sherman Self Storage, LLC.

SUMMARY

1. The property is zoned B-4, General Business and measures 7.3 acres.
2. There are self storage units located in the back of the property. These were strategically located there so that the front portion of the property could be developed with a more commercial use.
3. The plan proposes four separate buildings, each measuring 8,800 sf. They will be used as contractor offices with storage space. There will be six units in each building, for a total of 24 units.
4. There are two curb cuts to Sherman Blvd on the east side of the property and the plan does not show them closed. Staff recommends that these curb cuts be removed and new curbing installed.
5. Parking is adequate for the site, although the applicant may want to consider less pavement, as the proposed 88 spaces seems excessive for this type of use.
6. The landscaping plan meets the ordinance requirements.
7. The Fire Marshall has requested that either two approved turnarounds need to be added or both drives need to connect to the street.
8. The Engineering Department has stated that the sewer design is based on the old layout and needs to be revised to match the new layout that was installed in 2020. The line behind the storage facility is set to be abandoned in place and not retained. The sanitary connection will need to be outletted to the east towards Henry St.
9. Please see the enclosed site plan.

Staff recommend approval of the site plan, with certain conditions:

1. A stormwater permit is obtained from the Engineering Dept.
2. The Public Safety Department approves a plan that addresses the Fire Marshalls comments.
3. The additional existing curb cuts fronting Sherman Blvd are closed and new curbing is installed.

Planning Commission discussed the project with staff and the applicant. B. Robins

A motion that the request for site plan approval for new buildings at 1054 W Sherman Ave be approved with the following conditions:

1. A stormwater permit is obtained from the Engineering Dept.
2. The Public Safety Department approves a plan that addresses the Fire Marshalls comments.
3. The additional existing curb cuts fronting Sherman Blvd are closed and new curbing is installed.

was made by J. Montgomery-Keast, supported by J. Doyle and approved with S. Gawron, D. Keener, J. Doyle, B. Mazade, T. Michalski, and J. Montgomery-Keast voting aye. F. Peterson was absent for this vote.

OLD BUSINESS

None

UPDATES ON PREVIOUS CASES

- Case 2021-26, regarding the Lakeside Form Based Code marihuana district, will need a second reading with the City Commission.
- Case 2021-29, regarding Form Based Code-Urban Residential in Angell, Nims and Jackson Hill, has not be presented to City Commission yet.
- Case 2021-27, regarding rezoning of 2052 Bourdon, has withdrawn their application from going to City Commission.

OTHER

City of Muskegon Master Plan meetings will be held November 16, 17 and 18th.

ADJOURN

There being no further business, the meeting was adjourned at 5:11 PM.